

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ANTHONY DARBY,
a/k/a "D-Boy,"

Defendant.

Consent Order of Restitution

S3 19 Cr. 131 (PAE)

Upon the application of the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, Rushmi Bhaskaran, Thomas S. Burnett, Benjamin Woodside Schrier, Daniel H. Wolf, Assistant United States Attorneys, of counsel; the presentence investigation report; the Defendant's conviction on all counts in the above-referenced superseding information (the "Superseding Information"); the plea agreement fully executed by the parties on July 18, 2019 (the "Plea Agreement"); and all other proceedings in this case; and with the consent of Anthony Darby, the defendant, by and through his counsel, it is hereby ORDERED that:

1. Amount of Restitution

Anthony Darby, the Defendant, shall pay restitution in the total amount of \$80,000, pursuant to 18 U.S.C. §§ 1593, 3664(g)(2), to the Crime Victims Fund of the United States Treasury.

2. Schedule of Payments

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the Defendant, including whether any of these assets are jointly controlled; projected earnings and other income of the Defendant; and any financial obligations of the Defendant;

including obligations to dependents, the Defendant shall pay restitution in the manner and according to the schedule that follows:

In the interest of justice, restitution shall be payable in installments pursuant to 18 U.S.C. § 3572(d)(1) and (2). While serving any term of imprisonment, the Defendant shall make installment payments toward his restitution obligation and may do so through the Bureau of Prisons (the “BOP”) Inmate Financial Responsibility Plan (the “IFRP”). Pursuant to BOP policy, the BOP may establish a payment plan by evaluating the Defendant’s six-month deposit history and subtracting an amount determined by the BOP to be used to maintain contact with family and friends. The remaining balance may be used to determine a repayment schedule. BOP staff shall help the Defendant develop a financial plan and shall monitor his progress in meeting his restitution obligation. Any unpaid amount remaining upon release from prison will be paid as specified by the Court.

3. Payment Instructions

The Defendant shall make restitution payments by certified check, bank check, money order, wire transfer, credit card, or cash. Checks and money orders shall be made payable to the “SDNY Clerk of the Court” and mailed or hand-delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 (Attn: Cashier), as required by 18 U.S.C. § 3611. The Defendant shall write his name and the docket number of this case on each check or money order. Credit card payments must be made in person at the Clerk’s Office. Any cash payment shall be hand-delivered to the Clerk’s Office using exact change and shall not be mailed. For payments by wire, the Defendant shall contact the Clerk’s Office for wiring instructions.

4. Additional Provisions

The Defendant shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney’s

Office for the Southern District of New York, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Unit) of (1) any change of the Defendant's name, residence, or mailing address; or (2) any material change in the Defendant's financial resources that affects the Defendant's ability to pay restitution in accordance with 18 U.S.C. § 3664(k). If the Defendant discloses, or the Government otherwise learns of, additional assets not known to the Government at the time of the execution of this order, the Government may seek a Court order modifying the payment schedule consistent with the discovery of new or additional assets.

5. Restitution Liability

The Defendant's liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the Defendant's release from imprisonment, as provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the event of the death of the Defendant, the Defendant's estate shall be held responsible for any unpaid balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

SO ORDERED:


HONORABLE PAUL A. ENGELMAYER
UNITED STATES DISTRICT JUDGE

11/29/2021
DATE